

IN THE UNITED STATES BANKRUPTCY COURT
For the Northern District of Illinois
Eastern Division


In Re:)	Chapter 7
)	
Richard D. Koscielski,)	Case No. 09-32876
)	
Debtor)	Judge Bruce W. Black (Joliet)

NOTICE OF MOTION

TO: Bradley J. Waller
Klein, Stoddard, Buck, Waller & Lewis, LLC
2045 Aberdeen Court
Sycamore, IL 60178

See attached service list


YOU ARE HEREBY NOTIFIED that on January 22, 2010 at 9:15 a.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Bruce W. Black, in Courtroom 201, or any other Judge as may be holding Court in his absence, at the Will County Court Annex Building, 57 North Ottawa Street, Joliet, Illinois 60432, and then and there present the attached Motion to Extend Time to Enter Discharge Order, a true and correct copy of which is attached hereto, at which time you may appear as you see fit to do.



David J. Boersma

CERTIFICATE OF SERVICE

David J. Boersma, certifies that he served a copy of this Notice of Motion and Motion to Extend Time to Enter Discharge Order by electronically filing same with the Trustee and by mailing a true and correct copy thereof upon the other named persons at the addresses as stated above on December 18, 2009, postage prepaid at Wheaton, Illinois.



David J. Boersma

Attorney for Debtor
Atty No. 06180071
David J. Boersma
1776-A S. Naperville Road, Suite 200
Wheaton, IL 60189
(630) 653-5000

Service List

Richard D. Koscielski
11 S 452 Book Road
Naperville, IL 60564

Chase
Attn: Home Equity Loan Servicing
P.O. Box 24714
Columbus, OH 43224-0714

Countrywide Home Loans
450 American Street
Simi Valley, CA 93065-6285

Bank of America Home Loans
For Countrywide Home Loans
Customer Service
P.O. Box 5170
Simi Valley, CA 93062-5170

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**MOTION TO EXTEND TIME TO ENTER DISCHARGE ORDER
TO ALLOW NEGOTIATION OF REAFFIRMATION AGREEMENT**

NOW COMES the Debtor, Richard D. Koscielski, by and through his attorney, David J. Boersma, and moves this Honorable Court for the entry of an Order to extend the time to enter the final discharge order to allow time for Debtor to negotiate, enter into and file a reaffirmation agreement for his home equity line of credit, and in support thereof, states as follows:

1. On September 3, 2009 the Debtor commenced the above-captioned case by filing a petition for the adjustment of debts of an individual under Chapter 7 of Title 11 of the United States Code, which is still pending before this Honorable Court.
2. Debtor's primary residence is 11 S 452 Book Road, Naperville, Illinois 60564 and has an appraised value of \$270,000.00.
3. Debtor's primary residence is secured by two liens, a first mortgage lien with Bank of America Home Loans in the approximate amount of \$371,000 and a home equity line of credit lien with Chase Bank in the approximate amount of \$132,000.
4. The Chase Bank home equity line of credit is now entirely unsecured in that the amount of the first mortgage held by Bank of America Home Loans exceeds the entire value of the premises.

4. Debtor, through his agent, Carlos Alers, has been and presently is in final negotiations with Chase Bank to settle and/or reduce the amount of the principal debt owed to Chase Bank.
5. In the event that Debtor's agent is unsuccessful in his attempts to re-negotiate Debtor's home equity line of credit with Chase Bank and to enter into a reaffirmation agreement for same, then the Debtor intends to convert this case to a Chapter 13 case under Title 11 of the United States Code.
6. This case is anticipated to close before the final negotiations can be completed and a reaffirmation agreement can be signed and filed. Wherefore, Debtor requests that the case not be closed but that the time to close the case be extended through and including March 1, 2010 to allow time for final negotiations, preparation and filing of a reaffirmation agreement with Chase Bank, and for any necessary undue hardship hearing.

WHEREFORE, the Debtor prays that this Honorable Court enter an Order allowing this case to remain open through and including March 1, 2010 for final negotiations, preparation and filing of a reaffirmation agreement with Chase Bank and any necessary undue hardship hearing, or for Debtor to convert this case to a Chapter 13 case.


David J. Boersma

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